REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-25 are presently active in this case.

Claims 6-8, 16-18, and 23 are allowed. Claim 25 has been indicated as being allowable if rewritten in independent form.

The Applicants thank Primary Examiner Mark Wallerson for the courtesies extended to Applicants' representative, Christopher Ward, during the personal interview conducted on January 11, 2005.

As noted during the interview, the Applicants have not yet received acknowledgement that the Information Disclosure Statement filed on June 30, 2004, has been considered. The Applicants respectfully request acknowledgement of the references cited in this Information Disclosure Statement in the next Official Action.

Furthermore, as discussed during the personal interview and noted in the Interview Summary, the Applicants respectfully request a response to the traversal of the rejection to Claim 19 set forth in the Request for Reconsideration filed on June 30, 2004, and reiterated herein. The Applicants note with appreciation that Primary Examiner Wallerson indicated during the personal interview that the next Official Action would be a non-final Official Action due to the fact that the October 27, 2004, Official Action did not address this issue. Accordingly, the Applicants respectfully request the withdrawal of the finality of the pending action.

2

In the outstanding Official Action, Claims 1-5, 9-15, 19-22, and 24 were rejected

under 35 U.S.C. 102(e) as being anticipated by Silverbrook (U.S. Patent No. 6,56,181). For

the reasons discussed below, the Applicant traverses the anticipatory rejection.

In the Office Action, the Silverbrook reference is indicated as anticipating each of

Claims 1-5, 9-15, 19-22, and 24. However, the Applicants note that a claim is anticipated

only if each and every element as set forth in the claims is found, either expressly or

inherently described, in a singe prior art reference. *Verdegaal Bros. v. Union Oil Co. of

California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the

Silverbrook reference clearly does not meet each and every limitation of the independent

Claims 1, 10, 19, 21, and 22.

Claim 1 of the present application recites a method which includes a step of

identifying whether a read-out piece of ink related information satisfies a predetermined

format, so as to determine whether a storage unit is normal or whether the storage unit is not

normal if the read-out piece of ink related information has been destroyed. Claim 10 recites a

printer comprising a decision unit identifying whether a read-out piece of ink related

information satisfies a predetermined format so as to determine whether the storage unit is

normal or whether the storage unit is not normal if the read-out piece of ink related

information has been destroyed. Claim 21 recites a computer readable recording medium, on

which a specific computer program is recorded that comprises a program code that causes the

computer to determine that a storage unit is not normal in the case where a read-out piece of

ink related information does not satisfy a predetermined format if the read-out piece of ink

related information has been destroyed. And Claim 22 recites a method comprising the step of determining whether a storage unit is normal based on a read-out piece of ink related information or whether the storage unit is not normal if the read-out piece of ink related information has been destroyed.

The Applicants respectfully submit that the Silverbrook reference does not disclose any type of determination as to whether a storage unit is not normal if a read-out piece of ink related information is destroyed, as recited in pending independent Claims 1, 10, 21, and 22.

The Official Action indicates that the Silverbrook reference describes reading consumable state information from storage and determining whether this information has been tampered with. The Official Action indicates that the term "alter" is synonymous with the term "destroy." The Applicants respectfully disagree.

Firstly, the Applicants note that the Merriam-Webster Online Dictionary defines "destroy" as (1) "to ruin the structure, organic existence, or condition of; *also*: to ruin as if by tearing to shreds," and (2) "to put out of existence." The Merriam-Webster Online Dictionary defines "alter" as (1) "to make different without changing into something else," and (2) "to become different." In other words, the term "destroy" describes the complete and utter change in the structure of something, while the term "alter" describes making something different *without changing it into something else*. These terms have significant differences in meaning, and are clearly not synonymous with one another.

The Silverbrook reference is concerned with a user altering or copying a printing cartridge to appear as something that it is not. In other words, the Silverbrook reference is

4

concerned with a user that is able to alter the information on the authentication chip to appear as though it is a new or genuine cartridge, when in fact the cartridge is a refilled or replica cartridge. In these situations the user is trying to fool the authentication chip into believing that the information is normal (authentic) by replicating authentic information. The Silverbrook reference is also concerned with the tampering of operational authentication chips in an attempt to reverse engineer the authentication system. However, the Silverbrook reference is not concerned with authentication information that has been actually destroyed, since such destruction would render the cartridge useless and would not jeopardize the integrity of the security system established to protect that cartridge and other cartridges protected by that security system.

To the contrary, the present invention is merely concerned with the determination as to whether the storage unit is not normal if a read-out piece of ink related information has been destroyed. As mentioned above, the Silverbrook reference is not concerned with destroyed information such as this, since destroyed information is not considered a security risk to the authentication system discussed therein. The Silverbrook reference is focused on any possible reverse engineering threats to the security system and alterations that mimic authentic security codes (i.e. operable (non-destroyed) keys that will make the system operable with a non-authentic cartridge).

Accordingly, the Silverbrook reference neither discloses nor suggests a method, printer, or computer readable recording medium in which a determination is made regarding whether a storage unit is not normal if a read-out piece of ink related information is

destroyed. To the contrary, the present invention as recited in Claims 1, 10, 21, and 22 requires the determination of whether a storage unit is normal based on the ink related information or whether it is not normal if the ink related information has been destroyed. Thus, the Applicants respectfully submit that Claims 1, 10, 21, and 22 are not anticipated by the Silverbrook reference.

Claim 19 recites a storage unit comprising an address counter that outputs a count in response to a clock signal output from the printer, and a storage element that stores plural pieces of specific information including a piece of ink related information registered in a predetermined format and that is sequentially accessed based on the count output from the address counter. The Applicants submit that the Silverbrook reference does not disclose such features.

The Official Action does not cite any particular portion of the Silverbrook reference for the teaching of Claim 19 of the present application. The Applicants submit that the Silverbrook reference does not disclose an address counter that outputs a count in response to a clock signal output from the printer, and a storage element that stores plural pieces of specific information including a piece of ink related information registered in a predetermined format and that is sequentially accessed based on the count output from the address counter, as recited in Claim 19. Thus, the Applicants respectfully submit that the Silverbrook reference does not anticipate Claim 19 of the present application.
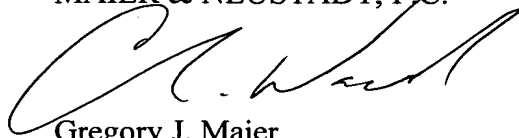
Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1, 10, 19, 21, and 22, and the claims that depend therefrom.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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